



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 18, 2006

Senator Carl R. Johnson
Environment Wildlife Committee
Room 103, Legislative Office Building
Concord, NH 03301

RE: HB 1495 as amended, relative to setback requirements for landfills near rivers

Dear Senator Johnson:

I am writing this letter to express the strong support of the Department of Environmental Services (DES) for HB 1495. HB 1495 as amended seeks to provide river segments designated as Rural the same protection level in regard to new landfills as Natural segments. New solid waste facilities are prohibited within the river corridor of Natural segments, and HB 1495 as amended would prohibit new landfills from the river corridor of Rural segments. It also allows for site specific considerations for Natural and Rural segments as the protection can be expanded beyond the corridor dependent upon floodplain characteristics. DES supports this protection level for Rural segments because it meets the management objectives of RSA 483, while appropriately balancing the public benefit derived by landfills with the public benefit and protection levels stipulated in RSA 483 for NH's Designated Rivers.

The intent of the Rivers Management and Protection Program, as stated in RSA 483:2, is to "complement existing state and federal laws...in a manner that will enhance or not diminish the enjoyment of the outstanding river characteristics..." and that the "scenic beauty and recreational potential of such rivers shall be restored and maintained." The management objectives to implement this intent are outlined in RSA 483:7-a, with there being a significant distinction in objectives between natural and rural classifications and those for rural-community and community classifications. Natural and rural classifications have management objectives to maintain and enhance the natural, scenic, and recreational values of the river, while rural-community and community have objectives relevant to community values, and mixed land uses including commercial and industrial uses. It is this similarity in management objectives for natural and rural segments, combined with the stated intent of RSA 483, which provides the justification for expanding the prohibition of new landfills to include rural river segments.


DES is aware that from a scientific and technical assessment standpoint, new landfill locations may be suitable within the corridor of natural and rural segments. DES' support of HB 1495 as amended is not an attempt to negate the position that sound science should be considered when establishing setbacks, but a recognition that NH's designated rivers deserve special protection due to their outstanding characteristics and the public benefit derived by those characteristics. If in the future a new landfill permit application is denied solely due to its prohibition under the Rivers Management and Protection Program, RSA 483:12-a includes a provision which would allow for the reconsideration of the project by evaluating the consistency of the activity with the

character of the designated river, or determining whether the public benefit of the proposed activity outweighs the public benefit of the protection measure.

In conclusion, DES' support of HB 1495 is based on an appropriate balance between the public benefit derived by new landfills as well as the management objectives, public benefit, and additional protection stipulated in RSA 483 for NH's Designated Rivers.

If you have any questions regarding this letter, please do not hesitate to call me or Steve Couture at 271-8801.

Sincerely,



Michael P. Nolin
Commissioner

cc:

Representative James F. Powers
Representative Howard C. Dickinson
Representative Michael D. Whalley
Representative Henry A. L. Parkhurst
Representative David L. Babson Jr.
Alice Chamberlin, Office of the Governor
LRMAC Chairs
RMAC
Mike Guilfooy, NHDES